

THE MOUNTAINEER.

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THE MOUNTAINEER

EVERY SATURDAY.

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BLAIR & FERGUSON,
EDITORS AND PROPRIETORS.

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AN ACT INCORPORATING GREAT SALT LAKE CITY.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of country embraced in the following boundaries, to wit, beginning at a point one hundred and thirty-six rods north of the Hot Springs; thence west to the west bank of the Jordan river; thence up the west bank thereof to a point directly west from the south-west corner of the five acre lots, according to the present survey; thence east, along the south line of said lots, to the south-east corner thereof, thence east nine hundred rods; thence north to a point directly east of the beginning; thence west to the aforesaid place of beginning—shall be known and designated by the name and style of Great Salt Lake City; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style aforesaid, with perpetual succession, and shall have and use a common seal, which they may change and alter at pleasure.

Sec. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impeached; defend and be defended in all courts of law and equity; and in all actions whatsoever; to purchase, receive, hold, sell, lease, convey, and dispose of property real and personal, for the benefit of said city, both within and without its corporate boundaries; to improve and protect such property, and do all other things in relation thereto as natural persons.

Sec. 3. Said city shall be divided into five municipal wards, whose boundaries shall be as prescribed by city ordinance.

Sec. 4. The municipal government of said city is hereby vested in a City Council to be composed of a Mayor, five Aldermen, one from each ward, and nine Councillors, who shall have the qualifications of electors in said city, and shall be chosen by the qualified voters thereof and shall hold their offices for two years and until their successors are elected and qualified.

Sec. 5. An election shall be held on the second Monday of February next, and every two years thereafter on said day, at which there shall be elected one Mayor, five Aldermen, nine Councillors, one Marshal, one Treasurer, and one Recorder; and the persons respectively receiving the highest number of votes cast in the city for said offices, shall be declared elected. When two or more candidates for an elective office shall have an equal number of votes for the same office, the election shall be determined by the City Council.

Sec. 6. The first election under this act shall be conducted in the following manner, to wit:—The County Clerk of Great Salt Lake County, shall cause notice of the time and place and the number and kind of officers to be chosen, to be advertised in some newspaper of said city, or posted up in five public places therein, at least ten days previous to said election. Three judges shall be selected by the Probate Judge of Great Salt Lake County at least one week previous to the day of election, said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation for the faithful discharge thereof. At the first election so held, the polls shall be opened at eight o'clock, a.m., and shall close at six o'clock, p.m. At the close of the election the judges shall seal up the ballot box, and the list of the names of the electors, and transmit the same within two days to the county clerk of Great Salt Lake County. As soon as the returns are received, the county clerk, in the presence of the probate judge, shall unseal and examine them, and furnish within five days to each person having the highest number of votes, a certificate of his election.

Sec. 7. The manner of conducting and

voting at all subsequent elections to be held under this act, and contesting the same; the keeping of the poll lists, canvassing the votes, and certifying the returns and all other things relating thereto, shall be as provided by city ordinance.

Sec. 8. There shall be appointed an assessor and collector, an auditor of public accounts, a supervisor of streets, a surveyor, an attorney, a board of school inspectors, a sealer of weights and measures, a sexton or keeper of burial grounds, a chief of police, inspectors, measurers and weighers, and such other officers and agents as the city council may from time to time direct and appoint.

Sec. 9. Every person elected or appointed to any office under the provisions of this act may be removed from such office by a vote of two-thirds of the city council, and no officer shall be removed except for cause, nor unless furnished with the charges and have an opportunity of being heard in his defense; and the council shall have power to compel the attendance of witnesses, and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine upon the merits of the case, and if such officer shall neglect to appear and answer to such charges, then the council may declare the office vacant. All officers appointed by the council may be removed at any time by vote, at discretion of two-thirds of said council, and any officer may be suspended until the disposition of charges preferred against him.

Sec. 10. Whenever any vacancy shall happen by the death, resignation, or removal of any officer, such vacancy may be filled by the city council, and every person elected or appointed to an elective, judicial or administrative office shall, before he enters upon the duties thereof, take and subscribe an oath or affirmation, that he will support the Constitution of the United States, the laws of this Territory, and the ordinances of this city, and that he will well and truly perform his knowledge and ability, and file the same, duly certified by the officer before whom it was taken, with the city recorder.

Sec. 11. Any person or persons illegally voting at any election under this act, shall be punishable according to law regulating general elections.

Sec. 12. The Mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require; and shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city.

Sec. 13. The Mayor and Aldermen shall be conservators of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace; and when so qualified, shall possess the same power and jurisdiction both in civil and criminal cases arising under the laws of the Territory, and may be commissioned as justices of the peace in and for said city by the Governor; they shall account for and pay over to the city treasurer within three months, all fines and forfeitures received by them in their judicial capacity; and they shall each keep a docket, subject at all times to the inspection of the city council and all other parties interested.

Sec. 14. The Mayor and Aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the city, and issue such process as may be necessary to carry such ordinances into execution and effect.

Sec. 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council and all their proceedings in a corporate capacity; which record shall at all times be open to the inspection of the electors of the city and all other parties interested. He shall have and keep a plat of all surveys within the city, and record all deeds, transfers, or other instruments of writing that may be presented to him for that purpose, and he is hereby authorized to take the acknowledgment of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by city ordinance.

Sec. 16. The Marshal shall perform such duties as shall be prescribed by the city council, for the preservation of the public peace. All process issued by the mayor, or an alderman, shall be directed to the marshal, or his deputy, and in the execution thereof he shall be governed by such rules and regulations as may be provided by city ordinance, and shall be the principal ministerial officer.

Sec. 17. The treasurer shall receive

all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. He shall pay all moneys that may come to his hand by virtue of his office upon orders signed by the auditor of public accounts, and shall report to the city council a true account of his receipts and disbursements as they may require.

Sec. 18. The city council, a majority of whom shall form a quorum to transact business, shall meet at such times and places as they may direct, and the mayor, when present, shall preside at said meetings, and have a casting vote. In the absence of the mayor any alderman present may be appointed to preside in such manner as shall be provided by the city council.

Sec. 19. The city council shall hold stated meetings, and the mayor or any two aldermen may call special meetings, by notice to each of the members of said council, served personally or left at their usual place of abode. Said council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members.

Sec. 20. The city council shall have the management and control of the finances and property, real, personal, and mixed, belonging to the corporation.

Sec. 21. The city council is hereby empowered within the jurisdiction of the city, by ordinance and the enforcement thereof, to prevent, punish, or prohibit every kind of fraudulent device and practice, all descriptions of gaming, playing at dice, cards, or other games of chance, with or without betting.

Sec. 22. To license, tax, regulate, suppress, or prohibit billiard tables, pin alleys, nine or ten pin alleys or tables and ball alleys; to suppress, or restrain bawdy and other disorderly houses, and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming; to prevent any riot, noise, disturbance, or punish vagrants, mendicants, street beggars, and prostitutes.

Sec. 23. To regulate the selling or giving away of any ardent spirits or other intoxicating liquors by any store-keeper, grocer or trader, to be drunk in any shop, store, grocery, outhouse, yard, garden, or other place within the city, except by persons, or at places duly licensed; to forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

Sec. 24. To license, regulate, or restrain the manufacturers, sellers or vendors of spirituous and fermented liquors, tavern keepers, dram or tipping shop keepers, grocers, and keepers of ordinaries, boarding, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of wines or other liquors, whether ardent, vinous or fermented.

Sec. 25. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Sec. 26. To prevent or regulate the rolling of hoops, playing at ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets, or on the sidewalks, or to frighten teams or horses.

Sec. 27. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals; to compel persons to put up posts in front of their lots to fasten their horses or other animals; to compel the fastening of horses, mules, oxen, or other animals attached to vehicles while standing or remaining in the street.

Sec. 28. To prevent the encumbering of the streets or sidewalks, lanes, alleys and public grounds with carriages, tents, wagons, carts, sleighs, horses, or other animals, sleds, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobies, or any material or substance whatever.

Sec. 29. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry; and to authorize the distraining, impounding, or sale of the same, for the penalty and costs incurred thereby; and to impose penalties for any violation of city ordinance in relation thereto; and to tax, prevent, or regulate the keeping of dogs, and to authorize the destruction of the same when at large, contrary to city ordinance.

Sec. 30. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap-factory, tannery, stable, barn, privy, sewer or any unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

Sec. 31. To direct the location and management of and regulate breweries, tanneries, and to direct the location, management and construction of and restrain or prohibit within the city, distilleries, slaughtering establishments, establishments for steaming and rendering lard, oil, tallow, oil and such other substances as can or may be rendered; and all establishments or places where nauseous, offensive or unwholesome business may be carried on.

Sec. 32. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin or other combustible and dangerous materials within the city, and to regulate the keeping and conveying of gunpowder, and the use of candles and lights in barns, stables or outhouses.

Sec. 33. To compel persons to keep the snow and ice from the sidewalk in front of the premises owned or occupied by them on East Temple Street, from the Temple Block south to the intersection with Second South Street.

Sec. 34. To abate or remove nuisances and punish the authors thereof by penalties of fine and imprisonment, and to define and declare what are nuisances, and authorize and direct the summary abatement thereof, and to abate all nuisances which are or may be injurious to the public health, peace, or good order.

Sec. 35. To prevent any person from bringing, depositing, or having within the limits of the city, any dead carcass or any unwholesome substance, and to require the removal or destruction of the same by any person who shall have near his premises, or on the streets or streams of this city, any such substances or any putrid or unsound beef, pork, or fish, hides or skins of any kind, and on his default to authorize the removal or destruction by any officer of said city.

Sec. 36. To exclusively control, regulate, repair, amend and clear the streets, alleys, bridges, sidewalks, or cross walks, and open, widen, straighten, or vacate streets and alleys, and put drains or ditches and sewers therein; and prevent the encumbering of the streets in any manner, and protect the same from any encroachment and injury.

Sec. 37. To lay out, improve, and regulate the public grounds belonging to the city, to direct and regulate the planting and preserving trees in the streets and public grounds, and to regulate the fencing of lots within the bounds of the city.

Sec. 38. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers and others for the purpose of business, amusement or otherwise.

Sec. 39. To regulate and determine the times and places of bathing and swimming in the river or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Sec. 40. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws and enforce the same within the city and around it, not exceeding twelve miles next beyond the bounds thereof.

Sec. 41. To grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor. Bonds may be taken on the granting of licenses for the due observance of the ordinance or regulations of the city council.

Sec. 42. To license, tax and regulate merchants and retailers, auctioneers, distillers, brewers, brokers, pawnbrokers and money changers; and to impose duties upon the sale of goods at auction.

Sec. 43. To license, tax, regulate or suppress hawkers and peddlers.

Sec. 44. To regulate and license or prohibit butchers, and to revoke their licenses for malconduct in the course of trade; and to regulate, license and restrain the sale of fresh meat and vegetables in the city, and restrain and punish the forestalling of poultry, fruit and eggs.

Sec. 45. To establish and regulate markets and other public buildings, and provide for their erection, determine their location, and authorize their erection in the streets, avenues, or any other

public place or places in the city, and not exceeding four miles beyond the bounds thereof.

Sec. 46. To provide for taking the enumeration of the inhabitants of the city, to regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

Sec. 47. To appoint watchmen and policemen, and prescribe their duties and powers.

Sec. 48. To regulate the measuring and inspection of lumber, shingles, timber, posts, staves and heading, and all building materials, and all kinds of mechanical work, and appoint one or more inspectors therefor.

Sec. 49. To regulate the weighing and place and manner of selling hay.

Sec. 50. To regulate the inspection of tobacco, also of flour, meal, pork, beef and other provisions, and salt, to be sold in barrels, hogheads and other packages.

Sec. 51. To regulate the measuring of wood and the weighing of coal and the place and manner of selling the same.

Sec. 52. To regulate the inspection of whisky and other liquors to be sold in barrels, hogheads or other vessels.

Sec. 53. To appoint inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

Sec. 54. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

Sec. 55. To establish, make and regulate public pumps, wells, cisterns, hydrants and reservoirs to distribute, control, and regulate the waters flowing prevent the same from becoming dangerous, and to

Sec. 56. To erect street lamps and regulate the lighting thereof, and from time to time create, alter and extend lamp districts.

Sec. 57. To establish and regulate public pounds.

Sec. 58. To regulate and license ferries.

Sec. 59. To authorize the taking up and providing for the safe keeping and education, for such periods of time as may be expedient, of all children who are destitute of all proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

Sec. 60. To borrow money on the credit of the city: Provided, that the interest on the aggregate of all the sums borrowed and outstanding, shall not exceed one-fourth of the city revenue, arising from taxes assessed within the corporation during the preceding year.

Sec. 61. The city council shall have power to make, publish, amend, and repeal all such ordinances, bye laws, or police regulations, not contrary to the Constitution of the United States and the laws of this Territory, for the good government and order of the city, as may be necessary and expedient to carry into effect the powers vested in the city council, or any officer of said city by this act; and enforce observance of all rules, ordinances, resolutions, bye laws and police, and other regulations, made in pursuance of this act by penalties not exceeding one hundred dollars for any offence against the same.

Sec. 62. The city council shall have power within the city, by ordinance, to annually levy and collect taxes on the assessed value of all real and personal estate or property in the city made taxable by the laws of the Territory, for the following named purposes, to wit:—Not to exceed five mills on the dollar to defray the contingent expenses of the city. Not to exceed five mills on the dollar to open, improve and keep in repair the streets of the city. Not to exceed one and a quarter mills on the dollar to control the waters of said city; and they shall annually apportion and apply said taxes as shall in their judgment be deemed most expedient.

Sec. 63. When the city council shall deem it expedient for any especial purpose to borrow money, the interest on which shall not exceed one fourth of the city revenue arising from taxes of the preceding year, the amount of taxes shall not be increased.

Sec. 64. To require, and it is hereby made the duty of every male resident of the city, over the age of eighteen and under the age of fifty years, to labor one

day in each year upon the streets; but every person may at his option pay one dollar and fifty cents for the day he shall be so bound to labor; provided it be paid within five days from the time he shall be notified by the street supervisor. In default of payment as aforesaid the same may be collected as other taxes.

Sec. 65. The city council shall have power by ordinance to regulate the form of assessment rolls, and prescribe the duties and define the powers of assessors and collectors. The annual assessment rolls shall be returned by the assessor on or before the first Monday of April in each year; but the time may be extended or additions made thereto by order of the city council. On the return thereof the city council shall fix a day for hearing objections thereto, and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections, which shall be heard and determined upon by the city council, and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

Sec. 66. The collector shall be furnished within thirty days after the assessment rolls are corrected, with a list of the taxes to be collected, and if not paid, the collector shall have power to collect said taxes with interest and cost by suit in the corporate name, or by distress and sale of any property belonging to persons so indebted. The assessor's roll shall in all cases be evidence on the part of the corporation.

Sec. 67. All taxes and assessments, general and special, shall be collected by the collector or collectors in the same manner, and with the same power and authority as are given by the law to collectors of county and territorial taxes: Provided the council shall have power to prescribe by city ordinance the powers, duties and liabilities of assessors and collectors.

Sec. 68. The city council shall have power to make, ordain and establish all such general regulations for the prevention, they may deem expedient, to procure fire engines and other apparatus used for the extinguishment of the same, and have the charge and control of, and provide, fit up, and secure engine houses and other places for the keeping and preserving the same; to organize fire, hose and ladder companies, appoint foremen therefor and prescribe their duties, and make rules and regulations for their government, and to impose reasonable fines and forfeitures for a violation of the same.

Sec. 69. The city council shall have power to provide for the election of trustees; to appoint a board of school inspectors, and to prescribe the powers and duties of the same, and to enact such ordinances as may be necessary to carry their duties and powers into effect.

Sec. 70. The city council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance; to provide for the recovery of such fines and forfeitures and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary, for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience, and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

Sec. 71. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Sec. 72. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book form, purporting to be printed or published by the authority of the city council, the same shall be received in evidence in all courts or places without further proof.

Sec. 73. The city council shall have power from time to time, to require further and other duties of all officers whose duties are herein provided; and prescribe the duties and powers of all officers appointed or elected under this act, whose duties herein are not specifically mentioned, and arrange the fees and fix the compensation of all officers, jurors, witnesses and others. They may also require bonds to be given to Great Salt Lake City by all officers for the faithful performance of their duties.